

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN QUIRE,

Plaintiff,

- against -

**CITY DEFENDANTS' NOTICE
OF MOTION TO DISMISS
THE AMENDED COMPLAINT**

19 CV 10504 (RA)

CITY OF NEW YORK; NEW YORK CITY POLICE
DEPARTMENT; PSYCHEMEDICS
CORPORATION; and THOMAS CAIRNS,
individually and in his official capacity as Senior
Scientific Advisor for PSYCHEMEDICS
CORPORATION,

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed Declaration of Assistant Corporation Counsel Dominique F. Saint-Fort, dated March 12, 2020, and the exhibits annexed thereto, City Defendants'¹ Memorandum of Law in Support of their Motion to Dismiss the Complaint, dated March 12, 2020, and all prior papers and proceedings heretofore had herein, the City Defendants will move this Court, before the Honorable Ronnie Abrams, United States District Judge, Southern District of New York, at the United States Courthouse, located at 40 Foley Square, New York, New York 10007, at a date and time convenient to the Court, for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety on the grounds that the Complaint is barred by the doctrines of *res judicata* and collateral estoppel, and that the Complaint fails to state a claim upon which relief can be granted, entering judgment for City Defendants, and granting City

¹ All references to the City Defendants are to Defendants the City of New York and the New York City Police Department.

Defendants costs, fees, and disbursements, together with such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), papers filed in opposition to a motion must be served within fourteen days after service of the moving papers, and reply papers, if any, must be served within seven days of service of the opposition papers.

PLEASE TAKE FURTHER NOTICE that the City Defendants respectfully request a stay of discovery during the pendency of this motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 12 of the Federal Rules of Civil Procedure, in the event that this motion is denied, in whole or in part, City Defendants reserve their right to answer and respectfully request thirty (30) days from docketing of the order denying the motion in which to answer the Complaint.

Dated: New York, New York
March 12, 2020

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Corporation Counsel of the
City of New York
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By: /s/ Dominique F. Saint-Fort
Dominique F. Saint-Fort
Assistant Corporation Counsel

To: **THE KURLAND GROUP** (via ECF)

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**OGLETREE, DEAKINS, NASH,
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Attorneys for Defendants Psychomedics
and Cairns

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**OGLETREE, DEAKINS, NASH,
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and Cairns

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19 CV 10504 (RA)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
<p>BRIAN QUIRE,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>CITY OF NEW YORK; NEW YORK CITY POLICE DEPARTMENT; PSYCHEMEDICS CORPORATION; and THOMAS CAIRNS, individually and in his official capacity as Senior Scientific Advisor for PSYCHEMEDICS CORPORATION,</p> <p style="text-align: right;">Defendants.</p>
CITY DEFENDANTS' NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT
<p style="text-align: center;">JAMES E. JOHNSON <i>Corporation Counsel of the City of New York</i> <i>Attorney for Defendants</i> <i>100 Church Street, Room 2-186</i> <i>New York, New York 10007-2601</i></p> <p style="text-align: center;"><i>Of Counsel: Dominique F. Saint-Fort</i> <i>Telephone: (212) 356-2444</i> <i>Matter No.: 2019-062554</i></p>
<p><i>Due and timely service is hereby admitted.</i></p> <p><i>Dated: New York, New York.....2020</i></p> <p><i>Signed:</i></p> <p><i>Attorney for</i></p>